

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LOUIS D. MARTIN,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV 04-1601-HE
)	
DOCTOR THOMPSON, ET AL.,)	
)	
Defendants.)	

ORDER

Plaintiff Louis D. Martin brought this action pursuant to 42 U.S.C. § 1983, claiming the defendants violated his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred for initial proceedings to Magistrate Judge Robert E. Bacharach, who issued a Report and Recommendation addressing the motion to dismiss/motion for summary judgment filed by defendants Thompson, Jordan, Cogburn, and Cypert. Finding that the plaintiff had failed to exhaust his administrative remedies as required by 42 U.S.C. § 1997e(a),¹ the magistrate judge recommended that the court grant the defendants' motion and dismiss the plaintiff's claim without prejudice.

The plaintiff did not object to the Report and Recommendation. Rather, he specifically concurred with the magistrate's findings. Motion to Respond to Judge Bacharach's Recommendations. The Court also concurs with the magistrate judge's analysis


¹Section 1997(e)(a) provides:

No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

and adopts his Report and Recommendation. Accordingly, the defendants' motion [Doc. #36] is **GRANTED**, and the plaintiff's claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies. 42 U.S.C. § 1997e(a).

IT IS SO ORDERED.

Dated this 25th day of August, 2005.



JOE HEATON
UNITED STATES DISTRICT JUDGE